

## REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on November 2, 2005, the Examiner objected to claims 1, and 22-28. In addition, the Examiner rejected claims 1, 4, 6-9, 12-15, 18-21, and 24-48 under 35 U.S.C. 102(b) as being anticipated by Rhoades (United States Patent No. 5,181,107, hereinafter "Rhoades"), rejected claims 2, 10, 16, and 22 under 35 U.S.C. 103(a) as being unpatentable over Rhoades in view of Brotz et al (United States Patent Application Publication No. 2001/0007105, hereinafter "Brotz"), rejected claims 3, 11, 17, and 23 under 35 U.S.C. 103(a) as being unpatentable over Rhoades in view of Connelly (United States Patent Application Publication No. 2002/0144265, hereinafter "Connelly"), and rejected claims 5 and 25 under 35 U.S.C. 103(a) as being unpatentable over Rhoades in view of Shen et al (United States Patent No. 6,401,059, hereinafter "Shen"). Accordingly, Applicant respectfully provides the following:

### Objections to the Claims

In the Office Action, the Examiner objected to claims 1, and 22-28. Applicant respectfully submits that the amendments provided herein provide the appropriate correction to overcome the objections made by the Examiner.

### Rejections under 35 U.S.C. 102

In the Office Action, the Examiner rejected claims 1, 4, 6-9, 12-15, 18-21, and 24-48 under 35 U.S.C. 102(b) as being anticipated by Rhoades. Applicant respectfully submits that the claim set as provided herein is not anticipated by the cited reference.

The standard for a Section 102 rejection is set forth in M.P.E.P 706.02, which provides:

"... for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present."

Applicant respectfully submits that the cited reference does not explicitly or impliedly teach every aspect of the amended claim set as provided herein and therefore does not anticipate the claims of the present invention. In particular, independent claim 9 recites a method for locally enhancing a programming broadcast from a remote service provider for rendering on a television display, the method comprising: receiving a programming broadcast from a remote service provider; locally enhancing the programming broadcast with a local service that provides at least one of (i) content and (ii) functionality to the programming broadcast, wherein said local service bypasses said remote service provider; transmitting a request to a remote billing server for use of said local service, wherein said request bypasses said remote service provider; and providing the remote programming broadcast and the local service for rendering on a local television display. Such limitations are supported by the application as originally filed. (For example, reference is made to Figure 2 and the corresponding disclosure.) All other independent claims include similar limitations.

In contrast, Applicant respectfully submits that Rhoades does not explicitly or impliedly such limitations. Accordingly, Rhoades does not anticipate the independent claims of the present invention. And, since the dependent claims provide additional limitations to the corresponding independent claims, Applicant respectfully submits that Rhoades similarly does not anticipate the dependent claims of the present invention.

#### Rejections under 35 U.S.C. 103

The Examiner rejected claims 2, 10, 16, and 22 under 35 U.S.C. 103(a) as being unpatentable over Rhoades in view of Brotz, rejected claims 3, 11, 17, and 23 under 35 U.S.C. 103(a) as being unpatentable over Rhoades in view of Connelly, and rejected claims 5 and 25 under 35 U.S.C. 103(a) as being unpatentable over Rhoades in view of Shen. Applicant

respectfully submits that the claim set as provided herein is not made obvious by the cited references.

The standard for a Section 103 rejection is set for in M.P.E.P 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

Applicant respectfully submits that the references cited by the Examiner do not teach or suggest the limitations claimed in the present invention. In particular, independent claim 9 recites a method for locally enhancing a programming broadcast from a remote service provider for rendering on a television display, the method comprising: receiving a programming broadcast from a remote service provider; locally enhancing the programming broadcast with a local service that provides at least one of (i) content and (ii) functionality to the programming broadcast, wherein said local service bypasses said remote service provider; transmitting a request to a remote billing server for use of said local service, wherein said request bypasses said remote service provider; and providing the remote programming broadcast and the local service for rendering on a local television display. Such limitations are supported by the application as originally filed. (For example, reference is made to Figure 2 and the corresponding disclosure.) All other independent claims include similar limitations.

However, in contrast, none of the references cited by the Examiner, alone or in combination, teach or suggest such limitations. And, since the references cited by the Examiner do not teach or suggest each and every limitation of the independent claims, Applicant

respectfully submits that the prior art references do not make obvious the independent claims as provided herein. In addition, dependent claims place further limitations on otherwise allowable subject matter. Accordingly, Applicant respectfully submits that the cited references do not teach or suggest, alone or in combination, the limitations claimed in the present claim set and therefore do not make obvious the claim set provided herein.

Additionally, Applicant respectfully submits that the cited references do not make obvious the claim set provided herein since the cited references teach away from the present invention as claimed. For example, Rhodes teaches of “a home computing assembly capable of establishing a digital, interactive communications system providing a plurality of subscribers access to a variety of information services stored in a plurality of remote information services storage centers.” [emphasis added] (see col. 1, lines 12-15). Furthermore, Rhodes teaches that “any of a plurality of individual subscribers may request one of a plurality of information services stored in a software program library at a remote location utilizing a home computing element or assembly to establish a bi-directional telephone communication link with a remote information services storage center to access the services offered.” [emphasis added] (see col. 2, lines 45-51). Accordingly, Applicant respectfully submits that Rhodes at least teaches away from a local service as claimed in the present invention, and thus the cited references do not make obvious the present invention as claimed herein.

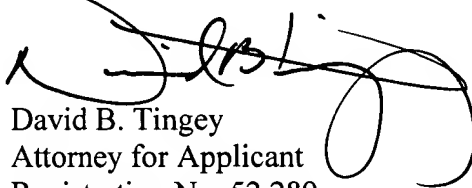
Thus, Applicant respectfully submits that for at least the reasons provided herein, the claim set as provided herein overcomes all rejections made by the Examiner in the Office Action.

### CONCLUSION

Applicants submit that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicants request favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 2<sup>nd</sup> day of February, 2006.

~~Respectfully submitted,~~



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